

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES)
OF AMERICA)
Plaintiff)
)
)
V.)
)
MATTHEW MARSH,)
Defendant,)
_____)

CRIMINAL NO. 4:05-cr-40025-FDS

DEFENDANT'S MOTION FOR VOIR DIRE

The defendant, Matthew Marsh hereby moves for the following questions to be asked to the prospective venire at his trial.

The Defendant requests that jurors be asked the list of attached questions individually and outside the presence of other members of the jury pool because questions directed to the group as a whole are not likely to receive a truthful response, if any response at all is given. In addition, an individual voir dire removes the possibility of a prospective juror's answers prejudicing or influencing other prospective jurors.

As grounds for this motion, the Defendant states that because of the deep-seated emotions most people feel when confronted with charges such as those alleged in this case, individual voir dire is essential in order to ensure that the jury will decide the case on the facts and the law and not be influenced by extraneous issues. See, Rosales-Lopez v. United States, 101 S. Ct. 1629, 1636 (1981).

The Defendant further states that this motion is made in good faith in order to determine whether or not prospective jurors hold any preconceived attitudes, opinions or prejudices, or have been exposed to any pretrial publicity, so that a jury consisting of a panel of impartial and indifferent jurors may be sworn as required by the Sixth Amendment and Fourteenth Amendment.

A hearing on this motion is requested by the Defendant.

Respectfully submitted,

THE DEFENDANT

By: /s/ Alan J. Black
ALAN JAY BLACK, His Attorney
1383 Main Street
Springfield, Massachusetts 01103
(413) 732-5381
BBO# 553768

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to Lisa Asiaf, AUSA on this 1st day of August 2006.

/s/ Alan J. Black

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES)
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CRIMINAL NO. 4:05-cr-40025-FDS

V.)

MATTHEW MARSH,)
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DEFENDANT'S VOIR DIRE QUESTIONS

1. Have you any relatives or close friends who are members of any police force, law enforcement agency, district attorney's office, the office of the Attorney General or security agency?

*If so, describe your relationship with that person and whether it would affect your ability to fairly judge the evidence in this case. Brown v. United States, 338 F. 2d 543 (D.C. 1964); Commonwealth v. Sheline, 391 Mass. 279, 291 (1984); Commonwealth v. Szcuka, 391 Mass. 666, 672 (1984).

2. Do you or any members of your family or close personal friends belong to any organization whose primary purpose is related to law enforcement?

3. Do you or any members of your family or close personal friends belong to any organization whose primary purpose is to provide relief or assistance to victims of crime?

4. If the testimony of witnesses at this trial differed on a particular issue, one version testified to by a police officer, while a different version was offered by a witness who was not a police officer, would you tend to give more weight to the testimony of the police officer solely because he or she were police officers?

5. Have you, any family member, or any close personal friend been the victim of a crime?
Would that affect your ability to render an impartial verdict in this case?
6. Have you, any family member, or any close personal friend been convicted of a crime? If yes, what crime and would that affect your ability to render an impartial verdict in this case?
7. There has been a lot of attention both politically and in the media to cases which involve drugs. It is the obligation of a juror to put aside and disregard broader concerns and to evaluate the evidence presented in this case alone. Have you formed such strong opinions about the subject of drugs in our community that you would be unable to perform the role of a juror in focusing only on this case and deciding it solely on the testimony heard in this courtroom?
8. Have you heard about this incident? What have you heard?

Respectfully submitted

THE DEFENDANT

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